

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,036	ELBERS, GARY M.	
	Examiner	Art Unit	
	Lars A Olson	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-12.
3.  The drawings filed on 24 November 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11242003
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. On line 6 of Claim 2, the phrase "with wind or unwind" has been deleted and replaced with the phrase "will wind or unwind".
3. On line 2 of Claim 11, the phrase "is pipe" has been deleted and replaced with the phrase "is a pipe".

**Reasons for Allowance**

4. Claims 1-12 are allowed.
5. The following is an examiner's statement of reasons for allowance. The boat cover for a boat hoist as claimed is not shown or suggested in the prior art because of the use of a boat cover that is comprised of a framework that is shaped to be attached to a plurality of pilings of a boat hoist, a fabric boat cover with a top portion that is attached over said framework and a side portion that extends over the sides of said framework, a plurality of cover frame members that are attached to said fabric boat cover side portion, and a boat cover raising and lowering mechanism for raising and lowering said fabric boat cover side portion, said raising and lowering mechanism being further comprised of a rotatable shaft that is operatively rotated by a motor, said

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rotatable shaft being attached to said framework beneath said fabric boat cover top portion, and a plurality of winding cords that are connected at one end to said rotatable shaft for rotation therearound upon rotation of said shaft, where the rotation of said shaft in one direction will wind said plurality of winding cords thereon in order to raise said boat cover side portion, and the rotation of said shaft in an opposite direction will unwind said winding cords thereon in order to lower said boat cover side portion.

6. The prior art as disclosed by Elbers (US 5,709,501) shows the use of a boat cover for a boat hoist that includes a fabric boat cover with a top portion and a side portion that is attached to a framework, and a boat cover raising and lowering mechanism for raising and lowering said boat cover side portion, said mechanism being further comprised of a rotatable shaft that is operatively rotated by a motor, and a plurality of winding cords that are connected at one end to said rotatable shaft, and at another end to said framework. Caravella (US 6,688,252), Miller (US 6,102,059), Bishop et al. (US 5,947,639), Margol et al. (US 5,769,105) and Lumbleau (US 5,086,799) disclose various boat covers that can be raised and lowered by means of a plurality of cords supported by a framework. However, none of the prior art cited shows or suggests the use of a boat cover for a boat hoist that is comprised of a framework that is shaped to be attached to a plurality of pilings of a boat hoist, a fabric boat cover with a top portion that is attached over said framework and a side portion that extends over the sides of said framework, a plurality of cover frame members that are attached to said fabric boat cover side portion, and a boat cover raising and lowering mechanism for raising and lowering said fabric boat cover side portion, said

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raising and lowering mechanism being further comprised of a rotatable shaft that is operatively rotated by a motor, said rotatable shaft being attached to said framework beneath said fabric boat cover top portion, and a plurality of winding cords that are connected at one end to said rotatable shaft for rotation therearound upon rotation of said shaft, where the rotation of said shaft in one direction will wind said plurality of winding cords thereon in order to raise said boat cover side portion, and the rotation of said shaft in an opposite direction will unwind said winding cords thereon in order to lower said boat cover side portion.

### ***Conclusion***

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

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May 12, 2004



S. JOSEPH MORANO  
SUPV. ADVISORY PATENT EXAMINER  
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